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# **LINES**

## **Insurance News & Information**

Volume 1, Issue 5

THE TENNESSEE DEPARTMENT OF COMMERCE & INSURANCE

Summer 2006

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### **Contact Us**

State of Tennessee Department of  
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### **— Need Your Input —**

Please let us know your thoughts about this newsletter and any input or thoughts you may have for future editions.

[libby.davis@state.tn.us](mailto:libby.davis@state.tn.us)

## *Greetings from the Commissioner*

### **New Madrid Insurance Departments Coordinate Activities**

As part of the Catastrophe Insurance Working Group of the National Association of Insurance Commissioners (NAIC), the seven New Madrid seismic zone departments have formed a coordinated working group to review insurance and risk issues unique to this region. The New Madrid Subworking Group, composed of representatives of the insurance departments of Arkansas, Indiana, Illinois, Kentucky, Missouri, Mississippi, and Tennessee, will be examining matters such as current earthquake coverage market availability, current and planned building code adoption, consumer outreach regarding risk and market options, and existing state laws regarding earthquake coverage, underwriting, and rate methodologies. The Tennessee Division of Insurance has been named as Chairperson of the subworking group.



The group will meet in San Antonio, Texas in December, 2006 during the NAIC National meeting to continue discussions and receive comments from stakeholders and other interested parties.

I sincerely welcome input from Tennessee earthquake insurance professionals and consumers about these important issues. You can email me with your questions, concerns, or comments to [paula.flowers@state.tn.us](mailto:paula.flowers@state.tn.us).

Best Regards,  
Paula A. Flowers  
Commissioner of the Department of Commerce and Insurance

## **CROSSVILLE TRAVEL FIRM ORDERED TO CEASE ILLEGAL INSURANCE ACTIVITIES**

The Commissioner of the Tennessee Department of Commerce and Insurance ordered Crossville, Tennessee-based Trip Assured, Inc. to immediately cease the sale and marketing of travel insurance products and services which are not offered through a licensed insurance company.

Following an investigation by the Department's Insurance Division, the Division initiated an administrative action

requesting the Commissioner to conclude that some of the products that Trip Assured markets as "travel protection" products constitute insurance contracts that Trip Assured is not authorized to sell.

Commissioner Paula A. Flowers stated in her order that "because Trip Assured operates as an unauthorized insurance company, those that purchase insurance from or through it face serious risks. The

*cont. page 7*

# CONSUMER CORNER:

## Cover Tennessee



Governor Phil Bredesen's proposal to help Tennessee's uninsured residents has been signed into law and is now on it's way to making affordable and portable health coverage a reality for hundreds of thousands of Tennessean's.

Cover Tennessee includes five targeted strategies to create health coverage options for Tennessean's who are insured. Cover Tennessee is fundamentally different from past health care expansions. With Cover Tennessee, the state is completely in control of the program design, implementation and costs. And, unlike other health care expansions across the country, Cover Tennessee is voluntary.

The Cover Tennessee program is administered by the Department of Finance and Administration.

To sign up to receive updates on Cover Tennessee, call 1-888-486-9355 or log onto [www.tennessee.gov](http://www.tennessee.gov) ■

## CONSUMER SERVICES WORKSHOP

**October 25, 2006**

West Tennessee Research and Education Center  
Jackson, Tennessee

*Mark your calendar for the upcoming **FREE Consumer Services Workshop.***

This workshop is designed to bring you timely, useful information and resources that will enlighten and educate you on topics such as identity theft, frauds/ schemes, insurance issues, and much more. It is also a great opportunity to meet representatives of government and private agencies that offer help and support to consumers in these areas.

Attendance and lunch are free, but space is limited. For more information, contact Sheila Stevens at 800-863-9117 or e-mail [Sheila.Stevens@state.tn.us](mailto:Sheila.Stevens@state.tn.us)

Sponsored by:  
Department of Commerce and Insurance  
Consumer Affairs Division,  
Consumer Insurance Services Section  
  
and  
  
the Securities Division and  
the Department of Financial Institutions  
Consumer Resources Division

## Consumer Corner Contact Information:

Director for Consumer Insurance Services: Stephani Ryan  
To file a complaint, please call 1-800-342-4029 or email [cis.complaints@state.tn.us](mailto:cis.complaints@state.tn.us)

The Consumer Insurance Services Section exists to serve all consumers protected by an insurance product in Tennessee. We're here to help you protect your rights and – when necessary – mediate complaints against insurers. We can offer valuable resources to help you evaluate and choose the right insurance product, to check on agents, companies and products, and to troubleshoot problems. ■

## Complaints from Consumers

**June 2006-August 2006**

There were a total of **1,564 consumer complaints** made to The Consumer Insurance Services Division from January to May 2006. Here is a breakdown of the types of complaints:

<b>Property and Casualty.....</b>	<b>564</b>
Closed.....	190
Open.....	374
<b>Life and Health.....</b>	<b>1000</b>
Closed.....	335
Open.....	665

## DISCIPLINARY ACTIONS

### TDCI Disciplinary Actions Against Insurance Agents/Producers

**Jim. L. Stiles** (612865) - Germantown, TN - Order assessing civil penalty in the amount of \$1,000 was issued and final on July 12, 2006, for submitting a false insurance certification to the Real Estate Commission.

**Rhonda Suzann Smith Jurgensen** (751248) - Lawrenceburg, TN - Revocation was final on April 28, 2006, for failure to forward premiums to insurance company.

**Charles T. Kimery** (663905) - Erwin, TN - Revocation was final on April 26, 2006, for being convicted of felony theft of property.

**Sharon K. Miracle** (843289) - Knoxville, TN - Revocation was final on March 27, 2006, for providing information known to be false on life insurance application.

**Robert L. Pruitt** (636005) - Memphis, TN - Revocation was ordered on April 20, 2006, with a \$15,000 penalty for misappropriation of premium.

**Steven Jack Wood** (705632) - Brentwood, TN - Revocation was final on April 26, 2006, for failing to obey a subpoena issued by the Commissioner.

### TDCI Disciplinary Actions Against Insurance Companies

#### Advantage Workers' Compensation Insurance Company

— Salt Lake City, Utah  
Advantage Workers' Compensation Insurance Company was fined five hundred dollars (\$500) for failing to timely file its loss cost multiplier. Consent Order entered on June 20, 2006.

#### Benchmark Insurance Company

— Overland Park, Kansas  
Benchmark Insurance Company was fined five hundred dollars (\$500) for failing to timely file its loss cost multiplier. Consent Order entered on June 20, 2006.

#### Canal Insurance Company

— Greenville, South Carolina  
Canal Insurance was fined five hundred dollars (\$500) for failing to timely file its loss cost multiplier. Consent Order entered on July 10, 2006.

#### Clarendon National Insurance Company

— New York, New York  
Clarendon National Insurance Company was fined five hundred dollars (\$500) for failing to timely file its loss cost multiplier. Consent Order entered on June 20, 2006.

#### DaimlerChrysler Insurance Company

— Farmington Hills, Michigan  
DaimlerChrysler Insurance Company was fined five hundred dollars (\$500) for failing to timely file its loss cost multiplier. Consent Order entered on June 20, 2006.

#### Everest National Insurance Company

— Wilmington, Delaware  
Everest National Insurance Company was fined five hundred dollars (\$500) for failing to timely file its loss cost multiplier. Consent Order entered on June 20, 2006.

#### Fairfield Insurance Company

— Stamford, Connecticut  
Fairfield Insurance Company was fined five hundred dollars (\$500) for failing to timely file its loss cost multiplier. Consent Order entered on June 20, 2006.

#### Insurance Corporation of Hanover

— New York, New York  
Insurance Corporation of Hanover was fined five hundred dollars (\$500) for failing to timely file its loss cost multiplier. Consent Order entered on June 22, 2006.

#### Lincoln General Insurance Company

— York, Pennsylvania  
Lincoln General Insurance Company was fined five hundred dollars (\$500) for failing to timely file its loss cost multiplier. Consent Order entered on August 1, 2006.

#### Midwest Employers Casualty Company

— Chesterfield, Missouri

Midwest Employers Casualty Company was fined five hundred dollars (\$500) for failing to timely file its loss cost multiplier. Consent Order entered on June 20, 2006.

#### Premier Group Insurance

— Murfreesboro, Tennessee  
Premier Group Insurance was fined five hundred dollars (\$500) for failing to timely file its loss cost multiplier. Consent Order entered on June 22, 2006.

#### Redland Insurance Company

— New York, New York  
Redland Insurance Company was fined five hundred dollars (\$500) for failing to timely file its loss cost multiplier. Consent Order entered on June 22, 2006.

#### State National Insurance Company

— Fort Worth, Texas  
State National Insurance Company was fined five hundred dollars (\$500) for failing to timely file its loss cost multiplier. Consent Order entered on July 10, 2006.

#### Tokio Marine and Fire Insurance Company

— New York, New York  
Tokio Marine and Fire Insurance Company was fined five hundred dollars (\$500) for failing to timely file its loss cost multiplier. Consent Order entered on June 20, 2006.

#### Trans Pacific Insurance Company

— New York, New York  
Trans Pacific Insurance Company was fined five hundred dollars (\$500) for failing to timely file its loss cost multiplier. Consent Order entered on June 20, 2006.

#### US Specialty Insurance Company

— Houston, Texas  
US Specialty Insurance Company was fined five hundred dollars (\$500) for failing to timely file its loss cost multiplier. Consent Order entered on July 12, 2006. ■

## LEGISLATIVE SUMMARY

The Commissioner's Legislative Team compiled a list of bills from the 2006 legislative session that may impact the insurance industry. Only the general topics are provided, as this is not intended to be a comprehensive summary. To review the exact language of the laws, please visit <http://tennessee.gov/sos/acts/index.htm>. If you have any questions, please contact the Insurance Division at 615.741.2176.

Bill Number	Public Chapter	Effective Date
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<b>SB 2663* / HB 2673</b>	<b>PC 517</b>	<b>7/1/2006</b>
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Owners of motor vehicles seeking an anti-theft inspection are required to submit a damage report to the Department of Safety that contains a list of replacement parts that were used and a certification that no stolen parts were used in repair. Also requires insurance companies to obtain a salvage or flood title or nonrepairable vehicle certificate when the insurance company obtains title as a result of paying a total loss claim resulting from collision, fire or water damage. (S: Harper; H: Sontany)

<b>SB 3145* / HB 3825</b>	<b>PC 534</b>	<b>4/20/2006</b>
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Expands the type of assets allowed in the determination of "admissible assets" for property and casualty companies. Specially, allows shares of capital stock of a federal home loan bank owned by a domestic insurance company to be taken as a credit against reinsurance liability or indebtedness to the federal home loan bank, and provides discretion to the Commissioner to allow the excess of the debt over the amount of liability to constitute an admissible asset. Expands the amount of admissible assets from twenty percent (20%) to thirty percent (30%) of the domestic insurance company's capital and surplus as determined on December 31st of the previous year. (S: Southerland; H: Hargrove)

<b>SB 2117 / HB 2044*</b>	<b>PC 536</b>	<b>(4/24/06 for rules) 9/01/06</b>
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Authorizes the Commissioner to impose a civil penalty up ten thousand dollars (\$10,000) per occurrence upon a finding that a workers' compensation insurer, has without any lawful basis, assessed an employer premium for individuals who are not employees or on the basis of improper classification of employees. The Commissioner is authorized to promulgate public necessity rules, including the authority to assess the cost of the administrative action. (S: Kyle; H: Maddox)

<b>SB 3606* / HB 3603</b>	<b>PC 590</b>	<b>7/01/2006</b>
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Authorizes employers offering health insurance to provide a payroll deduction for the employee portion of health insurance premiums if requested by any employee who participates in the health insurance program. (S: Person; H: DeBerry J.)

<b>SB 3767* / HB 3731</b>	<b>PC 593</b>	<b>5/04/2006</b>
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Rewrites definition of "insurable interest" from 2004 Public Chapter 658. Allows §501(c)(3) or §170(c) entities, as defined by the IRS, to purchase or receive by assignment, before or after April 23, 1992, life insurance on an insured who consents in writing to the purchase or assignment, to have or to have had an insurance interest in the insured person's life on the date of purchase or assignment. Removes trusts, limited liability companies, partnerships, and similar entities as those deemed to have an insurable interest when the insured consents in writing to the purchase or assignment to such organization. (S: Tracy; H: Sargent)

<b>SB 3504 / HB 3084*</b>	<b>PC 689</b>	<b>(5/18/06 for rules) 1/01/2007</b>
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Enacts the "Tennessee County Mutual Insurance Company Act of 2006" that grants greater authority to county mutuals while providing greater oversight by the Department. Grants rulemaking authority. Requires persons selling county mutual policies to become fully licensed insurance producers by July 1, 2007. (S: Ketron; H: Montgomery)

<b>SB 2700 / HB 2581*</b>	<b>PC 735</b>	<b>7/01/2006</b>
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Increase the minimum insurance coverage requirements from five hundred thousand dollars (\$500,000) to one million dollars (\$1,000,000) for blasting firms. Also permits insurance companies to subrogate claims by property owners caused by blasting to the blasting firm. (S: Harper; H: West)

<b>SB 3165* / HB 3599</b>	<b>PC 744</b>	<b>5/23/2006</b>
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Amends the medical malpractice reporting statute to require reported malpractice claims data to include any expenditures made pursuant to a judgment as well as any attorney fees or court costs. Removes the requirement for reporting entity to provide the social security number of claimants and only requires the social security number if such information is known to the reporting entity. Allows the Department to include the amounts paid for all damages and defense expenses in its annual report regarding health care malpractice claims and requires reporting entities to resubmit any reports that do not include the amounts paid for all damages and defense expenses. Further requires the claimant's attorney, to report to directly to the Department, attorney fees received. Also, changes the due date of the annual report from "September 1" to "November 1." This will require rulemaking to implement the changes. (S: Bryson; H: Sargent)

<b>SB1091* / HB1013</b>	<b>PC 764</b>	<b>1/01/2007</b>
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Requires insureds or policy holders of group insurance policies to provide thirty (30) days notice prior to termination of a spouse due to divorce or separation. (S: Cooper; H: Marrero)

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**LEGISLATIVE SUMMARY** (continued)**SB 3631\* / HB 3670 PC 772 5/26/2006**

Authorizes employee to request reconsideration of specialist's order denying workers' compensation benefits by written request within seven (7) calendar days from receipt of specialist's order. Requires Commissioner of Labor and Workforce Development to notify the Commissioner of Commerce and Insurance of the failure of an insurer, self-insured employer or self-insured pool to comply with an order issued by a specialist, administrator or administrator's designee. Commissioner of Commerce and Insurance may consider such continued failures as a violation of Title 56, Chapter 8 subject to penalty provisions of TCA 56-8-109; Commissioner may consider failure by self-insured employer or self-insured pool sufficient grounds to revoke employer's status as self-insured pursuant to TCA 50-6-405. (S: Bryson; H: Curtiss)

**SB 3002 / HB 2477\* PC 805 1/07/2007**

Mandates that insurance companies make available coverage for sinkhole damage. Sets minimum standards for insurers in investigating a sinkhole claim. Authorizes Commissioner to promulgate rules. (S: Herron; H: McDonald)

**SB 3895\* / HB 4011 PC 867 6/05/2006**

Administration's Cover Tennessee bill. Enacts the following health care programs: Cover Kids (SCHIP program), Access TN (high risk pool), Cover TN (low-cost plan for working residents), and Cover RX (continues safety net discounted pharmacy provisions). Authorizes development of premium subsidy program for Access TN. Implements statewide efforts to combat Type 2 diabetes. (S: Kyle, Cooper; H: McMillan)

**SB 3489 / HB 3137\* PC 873 7/01/2006**

Health Savings Account Act. Authorizes Department of Revenue to promulgate rules to implement although no rules are anticipated at this time. No impact to this Department. Codifies federal definitions of high deductible health plan necessary for HSA (minimum one thousand dollars (\$1,000) deductible for individual, or two thousand dollars (\$2,000) deductible for family coverage). Sets forth criteria to make tax-exempt contributions to HSAs beginning in tax year 2007. Caps amount of contributions into HSA at one hundred percent (100%) of deductible or two thousand, six hundred dollars (\$2,600) for an individual or five thousand, one hundred fifty dollars (\$5,150) for a family.

**SB 2719 / HB 2744\* PC 894 7/01/2006**

Requires contracts or policies of insurance that provide benefits for neurological disorders, to provide benefits and coverage for the treatment of autism disorders that are at least as comprehensive as those provided for other neurological disorders for any person less than twelve (12) years old. Insurers are prohibited from refusing to renew or reissue policies or terminate or restrict services to a person solely

because the person is diagnosed with autism. These requirements only apply to policies that are delivered, issued for delivery, amended or renewed on or after January 1, 2007. (S: Cooper J.; H: Shepard)

**SB 3789\* / HB 3912 PC 923 6/20/2006**

Places new requirements on local governments entering into local government joint ventures whereby liabilities are pool together. Requires the Commissioner to assist the Comptroller in performing audits and authorizes the Comptroller to assess reasonable fees incurred in performing the audit, including the Department's cost. (S: Woodson; H: Winningham)

**SB 2892\* / HB 3471 PC 954 7/01/2006**

Amends provision relative to self insurance pools for workers' compensation. Requires sponsoring associations to submit to Commerce and Insurance annually confirmation that participants in pool comply with requirement to maintain membership in association. Authorizes commissioner to promulgate rules to provide for civil penalties for violations of act. (S: Williams; H: Curtiss)

**SB 0468\* / HB 0640 PC 966 1/01/2007**

Requires health insurance entities contracting for TennCare services to establish procedures for reimbursing physicians employed by federally qualified health centers. (S: Williams; H: Favors)

**SB 3983 / HB 3676\* PC 997 (6/27/06 for rules) 7/01/2007**

Tennessee Public Adjuster Licensing Act of 2006. Establishes licensure requirements for public adjusters, to be administered by the Department of Commerce and Insurance. Exempts attorneys and their employees from provisions. Requires public adjusters to carry five hundred thousand dollars (\$500,000) in errors and omissions insurance or other adequate security, establishes continuing education requirements, limits fees public adjusters may charge to insureds. Authorizes Commissioner to promulgate rules. Increases state revenues \$20,000 biennially, increases state expenditures \$5,000 one-time for RBS modifications. (S: Cooper; H: Odom)

**SB 3923\* / HB 4047 PC 1018 (6/27/06 for rules) 1/01/2007**

Department legislation. Authorizes the Commissioner to accept electronic filings for annual statements and premium taxes by insurance companies. Also, extends insurance producer licenses to a two-year period of renewal. Authorizes the promulgation of rules. Act is effective immediately for purposes of promulgating rules, January 1, 2007 for all other purposes. (S: Kyle, Cooper; H: McMillan, Shepard) ■

## A • R • T • I • C • L • E • S

**Vesta Insurance Corporation,  
Shelby Casualty Insurance  
Company and The Shelby  
Insurance Company to Liquidate  
5,000 Tennessee Policies**

The Travis County Texas District Court ordered the above-referenced insurance companies to be placed into liquidation. Pursuant to the court's order and Section 21A.102(b) of the Texas Insurance Code, **all policies issued by these companies are CANCELED, and no renewal policies will be issued, effective 12:01 a.m. CST on August 24, 2006.** If consumers have questions regarding the Texas regulatory actions or questions about their coverage, they can call the Texas Department of Insurance at 1-800-252-3439 or visit [www.tdi.state.tx.us/consumer/vesta.html](http://www.tdi.state.tx.us/consumer/vesta.html).

Claims for Tennessee policyholders and claimants will be handled by Berkley Risk Administrators. A Tennessee claim Hotline has been established to assist Tennessee residents until the actual claim files arrive. If you have a current pending claim with either of the listed companies, you are encouraged to call 1-866-902-2950. If you prefer to contact Berkley Risk Administrators by e-mail, that address is [BRACNTN@berkleyrisk.com](mailto:BRACNTN@berkleyrisk.com).

For consumers in Tennessee who need information about companies that are offering replacement coverage, please call 1-800-342-4029.

**Interstate Insurance Product  
Regulation Compact**

The Interstate Insurance Product Regulation Commission has added another state to its growing list of members, as Massachusetts became the 28th state to sign the Interstate Compact.

The Commission enables state regulators to develop uniform national standards for asset protection insurance products, such as life insurance, annuities, disability income and long-term care insurance. The Commission establishes a central filing point for these insurance products, enhancing the speed and efficiency of regulatory decisions and allowing companies to compete more effectively in the modern financial marketplace while continuing to provide protection for consumers. Our Department is currently evaluating the Interstate Compact design and the effects it would have on our state.

If you would like more information, the Commission has enhanced availability to consumers, insurers, and regulators with the launch of its new Web site, [www.insurancecompact.org](http://www.insurancecompact.org).

**TDCI  
Employees Retiring**

The Insurance Division would like to take this opportunity to announce the retirement of two employees that have been extremely beneficial over the years.

Donnie Spann began his career with TDCI in 1976. He was a Field Examiner and reviewed the operations of insurance companies and financial records. In March of 1988, he was promoted to Chief Financial Examiner. Donnie still holds this position and will retire in November. We will miss his expertise and wish him luck in his new ventures.

Coit Holbrook has been working in the insurance industry since 1962. He joined the ranks of state government in 1995, filling a Actuary 2 position in the Property and Casualty Rating Section. He became the Consumer Insurance Services Manager in 1996, but went back to the Property and Casualty Section in 1997 as Director. He assumed the additional duties as Director of Consumer Insurance Services in March of 1999. Since May of 2003, Coit has been Director of the Actuarial Services Section. He will be retiring in December and we thank him for his many years of service.

**TDCI Employees Promoted**

Our Department promoted two invaluable employees in July.

John Morris has been named Deputy Commissioner for TDCI. He was previously Chief Counsel for the Insurance Division and TennCare Oversight Division.

Tracey Gentry Harney was promoted from Staff Attorney/Legislative Liaison to head the Insurance Division legal section as Chief Counsel.

We congratulate these individuals and wish them well in their new positions. ■

**FOR REGENT COMPANY RATE FILINGS INFORMATION**

Go to:

[www.state.tn.us/commerce/insurance/consumerRes.html](http://www.state.tn.us/commerce/insurance/consumerRes.html)

If you have questions/changes concerning your agent license, please visit [www.state.tn.us/commerce](http://www.state.tn.us/commerce) and check out our Agent Licensing Resource page. This office is responsible for the licensing and regulation of insurance agents. Approximately 106,000 agents are licensed to do business in Tennessee. Online license renewal will be coming soon.

### Crossville Travel Firm...cont.

underwriting of insurance by the respondent without any substantive regulatory oversight to ensure lawful policy forms, rates, claims handling, and, most importantly, the financial solvency of the respondent leaves those policyholders in danger. If an insurer does not have adequate reserves to cover its liabilities, many policyholders may be effectively without insurance coverage.”

Trip Assured became licensed as an insurance agency in 2005, and does sell other insurance products such as accidental death and dismemberment

insurance as well as identity theft insurance. These insurance products are underwritten by licensed insurance companies including St. Paul Travelers and Chesapeake Life.

However, the Crossville company assumed the financial risk for other “travel protection” products and services, especially its trip cancellation product which paid the policyholder in the event that his or her trip was cancelled for some reason. By assuming the financial risk for the liabilities created by the trip protection products, Trip Assured is acting as an insurance company and needs to be licensed as such to continue to operate in this state, as well as meet all the other

requirements imposed on insurance companies such as the filing of policy forms, rates, meeting claims handling requirements, and being financially solvent.

Consumers are encouraged to always check to make sure they are working with a licensed carrier in any insurance transaction. To file a complaint against Trip Assured, please call the Consumer Insurance Services section at 800-342-4029.

A copy of the Order to Cease and Desist and the administrative Petition can be found on TDCI’s website at [www.state.tn.us/commerce](http://www.state.tn.us/commerce). ■

## **STATUS OF PROPOSED RULES**

### Tennessee County Mutual Insurance Company Act, Chapter 0780-1-78

- Rulemaking Hearing on September 20, 2006.

### Education Requirements (Amendments), Chapter 0780-1-56

- Rulemaking Hearing on September 26, 2006.

**For recent bulletins released by the  
Insurance Division please visit:  
<http://state.tn.us/commerce/insurance/bulletins.html>**